

disputes and other types of industrial relations problems in industries and undertakings under federal jurisdiction.

The labour code provides that parties to a collective bargaining dispute must complete a conciliation process to obtain the legal right to strike or lockout. The mediation and conciliation branch usually appoints a conciliation officer, conciliation commissioner, or conciliation board to direct discussions. The minister has the authority to appoint industrial inquiry commissions to investigate and make recommendations on labour relations problems affecting an industry or a specific collective bargaining relationship.

If a dispute is not resolved in the first stages, the minister may appoint a mediator, hoping to avert or resolve a strike or lockout. Both conciliation and mediation efforts rely on persuasion and exploration of available alternatives to assist the parties to resolve their differences. The process differs from arbitration in which a third party makes a binding decision. The mediation and conciliation branch also investigates, on the minister's behalf, requests for consent to refer bargaining related complaints to the Canadian Labour Relations Board.

The Canada Labour Relations Board determines applications for certification of trade unions as bargaining agents, and deals with applications to replace existing bargaining agents in merger or amalgamation of unions or sale of business. It decides on applications for the termination of bargaining rights based on employee wishes or where bargaining rights were allegedly obtained by fraud. It hears and determines complaints of unfair labour practice against employers, trade unions, or individuals, ordering reinstatement, compensation, or other relief where appropriate. It deals with applications relating to technological change with power to order stay of implementation and opening of negotiations. Where cases are referred by the labour minister, the board may impose the provisions for a first collective agreement. The board processes applications alleging unlawful strike or lockout, has authority to issue cease and desist orders, and can order employees back to work. The board supervises union hiring hall rules and requires trade unions and employer organizations to provide annual financial statements to their members. On the application of a trade union it may order an employer or proprietor to grant union representatives access to employees in remote areas. The board deals with appeals against the decision of a safety officer in situations where imminent danger is alleged and determines complaints alleging that employees have been penalized for exercising rights.

Labour standards. The code sets minimum standards of employment for employers and employees in industries under the legislative authority of Parliament.

Occupational safety and health. Part IV of the labour code, promulgated in 1968 and amended in 1978, was the first general legislation passed by Parliament to deal exclusively with occupational safety and health. It obliges employers and employees to perform their duties in a safe manner, authorizes regulations to deal with safety and health problems, and provides authority for the establishment of joint labour-management safety and health committees with specific powers. It gives workers the right to refuse to work where their health or safety could be endangered and provides for research into causes and prevention of accidents and for an extended safety education program. Federal public service employees are given similar protection under Treasury Board policy and occupational safety and health standards.

Regulations govern coal mine safety, elevating devices, first aid, machine-guarding, noise control, hand tools, fire safety, temporary work structures, confined spaces, safe illumination, boilers and pressure vessels, building safety, dangerous substances, electrical safety, materials handling, protective clothing and equipment, sanitation, hours of service in the motor transport industry, occupational safety and health in the uranium mining industry, safety and health committees and accident investigation and reporting.

5.2.2 Provincial labour legislation

Industrial relations. All provinces have legislation similar to the federal code designed to establish harmonious relations between employers and employees and facilitate settlement of industrial disputes. These laws guarantee freedom of association and the right to organize, provide for labour relations boards or other administrative bodies to certify trade unions as bargaining agents, and require an employer to bargain with the certified union representing his employees. In some jurisdictions, legislation requires that parties comply with conciliation or mediation procedures before a strike or lockout may legally take place. Every collective agreement must provide for settlement, without work stoppage, of disputes arising out of its interpretation or application. Strikes and lockouts are prohibited during the life of a collective agreement, and unfair labour practices are prohibited. In some provinces, labour relations are regulated by separate statutes for groups such as teachers, municipal and provincial police personnel, municipal firemen, hospital workers, civil servants and employees of Crown corporations.

In Alberta, New Brunswick, Newfoundland, Nova Scotia, Ontario and Prince Edward Island, the general labour relations statutes contain special provisions pertaining to collective bargaining in the construction industry. In British Columbia, the accreditation procedure is not limited to this industry. Quebec and Saskatchewan have separate laws regulating collective bargaining in the construction industry.